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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,700	02/12/2004	Dinh Duc Nama		3437

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/776,700

Applicant(s)

NAMA, DINH DUC

Examiner

Benjamin H. Layno

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

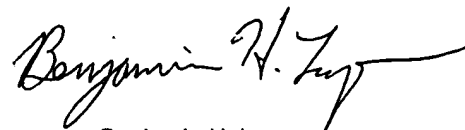
The Appeal Brief filed on 05 June 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See the Attached Sheet detailing the deficiencies of the Appeal Brief.



Benjamin H. Layno
Primary Examiner
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1. Under the heading "Real Party Interest" only the Applicant's name is required. The Examiner's name is not required.
2. Under the heading "Status Of Claims", the status of claim 4 is **NOT** properly identified. Appellant must state whether claim 4 is cancelled, allowed, rejected, withdrawn, objected to, etc.
3. Under the heading "The Summary Of Claimed Subject Matter" the explanation of the subject matter defined in each claim is referred to by Item number in the specification. This is **NOT** proper. The explanation of the subject matter defined in each claim must be referred to by **page and line number** in the specification. For Example, "page 11, lines 6-18".
4. Under the heading "The Grounds Of Rejection To Be Reviewed On Appeal", the Appellant's statement is **NOT** proper. Examples of proper ground of rejection statements include "Whether the amendment filed 5/3/05 is objected to under 35 USC 132(a) because it introduces new matter", "Whether claims 9-15 and 17 are rejected under 35 USC 112 1st paragraph", "Whether claims 3 and 8-14 are rejected under 35 USC 103(a) as being unpatentable over Shen et al.", etc. **There must be a proper ground of rejection statement for each ground of rejection found in the Examiner's last Office Action mailed 8/16/05.**

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5. Under the heading "Arguments", the Appellant's statement is **NOT** proper. Each ground of rejection (see above) must be treated under a separate heading. For example there must be a heading "Amendment filed 5/3/05 is objected to under 35 USC 132(a), New Matter", then under this heading the Appellant must provide a detailed argument as to why the amendment filed 5/3/05 should not be objected to under 35 USC 132(a), and why there is no new matter in the amendment. Also for example, there must be a heading "Claims 9-15 and 17 are rejected under 35 USC 112 1st paragraph", then under this heading the Appellant must provide a detailed argument as to why claims 9-15 and 17 should not be rejected under 35 USC 112. **There must be separate heading for each ground of rejection found in the Examiner's last Office action mailed 8/16/05. Under each of these separate headings, there must also be a detailed argument as to why these grounds of rejections should not be made.**

6. **See MPEP 1205 for further details on the proper format of an Appeal Brief.**


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